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antecedent basis. For the reasons set forth above, Applicants respectfully request that the Section 112 rejections of Claims 1-5 and 13 be withdrawn.

The rejection of Claims 1-6 and 11-15 under 35 U.S.C. § 102(b) as being anticipated by Kessler (U.S. Patent No. 3,380,615) is respectfully traversed.

Kessler describes a refrigerator cabinet construction having foamed-in-place thermal insulation. A breaker strip having opposite forked margins is fitted over the edges of the liner and shell to form enclosed overflow spaces to accommodate leaking of expanding foam. Abstract. The breaker strip provides two connecting channels at opposite ends of the strip as shown in Fig. 2.

Applicants respectfully submit that the pending claims are patentably distinguishable over Kessler. Claim 1 recites a refrigeration appliance cabinet comprising "a bottom mullion, said bottom mullion comprising a first end and a second end, said first end comprising a first channel and a second channel; and a casing, one of said bottom mullion and said casing comprising a retaining tongue and the other of said bottom mullion and said casing comprising an engagement surface for being received in said tongue".

Kessler does not describe or suggest a refrigeration appliance cabinet having a bottom mullion, the bottom mullion including a first end and a second end, the first end including a first channel and a second channel, and a casing, wherein one of the bottom mullion and the casing including a retaining tongue and the other of the bottom mullion and the casing including an engagement surface for being received in the tongue. Rather, Kessler describes a breaker strip which only provides two connecting channels at opposite ends of the strip. Applicants respectfully traverse the assertion in the office action that element 38 is a bottom rail. Rather, Applicants submit that element 38 is, from the figures, nothing more than a lip on the connecting edge of the inner liner. For the reasons set forth above, Claim 1 is submitted to be patentable over Kessler.

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Claims 2-5 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 likewise are patentable over Kessler.

Claim 6 recites a refrigerator cabinet including "a bottom mullion, said bottom mullion comprising a first end and a second end, said first end comprising a first channel and a second channel; and a casing in press fit engagement with said bottom mullion".

Kessler does not describe or suggest a refrigerator cabinet including a bottom mullion, the bottom mullion including a first end and a second end, the first end having a first channel and a second channel, and a casing in press fit engagement with the bottom mullion. Rather, Kessler describes a breaker strip having one channel at each end. For the reasons set forth above, Claim 6 is submitted to be patentable over Kessler.

Claim 11 recites a refrigerator cabinet comprising "a casing; an inner liner within said casing, said inner liner comprising at least one refrigeration compartment; and a bottom mullion, said bottom mullion comprising opposing side surfaces at a first end thereof, said bottom mullion configured to receive a portion of said inner liner, said casing configured to receive a portion of said bottom mullion with press fit engagement".

Kessler does not describe or suggest a refrigerator cabinet including a casing, an inner liner within the casing, the inner liner comprising at least one refrigeration compartment, and a bottom mullion, the bottom mullion comprising opposing side surfaces at a first end thereof, the bottom mullion configured to receive a portion of the inner liner, the casing configured to receive a portion of the bottom mullion with press fit engagement. Rather, Kessler describes channels that are located at opposite ends of the breaker strip. For the reasons set forth above, Claim 11 is submitted to be patentable over Kessler.

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Claims 12-15 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 12-15 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 12-15 likewise are patentable over Kessler.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-6 and 11-15 be withdrawn.

The rejection of Claims 6-10 under 35 U.S.C. § 102(b) as being anticipated by Jenkins et al (U.S. Patent No. 4,632,470) is respectfully traversed.

Jenkins et al. describe a refrigerator cabinet having an outer case, an inner liner, and a partition separating the freezer and fresh food compartments. A front face is formed along the front edge of side walls and top wall defining the door openings. Abstract. A support frame system is assembled to the front of the cabinet and includes an upper cross member (16), a pair of vertical mounting brackets or bars (48), and a lower cross member (49) (see Fig. 3). Cross member (49) is installed using threaded fasteners (see Fig. 8 and col. 5, lines 53-60).

Claim 6 recites a refrigerator cabinet comprising "a bottom mullion, said bottom mullion comprising a first end and a second end, said first end comprising a first channel and a second channel; and a casing in press fit engagement with said bottom mullion".

Jenkins et al. do not describe or suggest a refrigerator cabinet including a bottom mullion, the bottom mullion including a first end and a second end, the first end having a first channel and a second channel, and a casing in press fit engagement with the bottom mullion. Rather, the lower cross member is installed using threaded fasteners and is without first and second channels at one end. For the reasons set forth above, Claim 6 is submitted to be patentable over Jenkins et al.

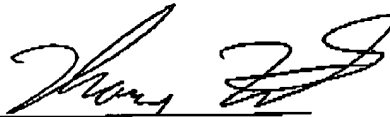
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Claims 7-10 depend, directly or indirectly, from independent Claim 6. When the recitations of Claims 7-10 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claims 7-10 likewise are patentable over Jenkins et al.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 6-10 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Taylor et al. :
Serial No.: 09/682,857 : Art Unit: 3637
Filed: October 25, 2001 : Examiner: Hansen, James Orville
For: REFRIGERATION CASE CLIP :
ASSEMBLY :

SUBMISSION OF MARKED UP SPECIFICATION AND CLAIMS

Hon. Commissioner for Patents
Washington, D.C. 20231

In furtherance of the response to the Office Action dated October 28, 2002 submitted
herewith, Applicants hereby submit marked up versions of the amendments made therein.

IN THE SPECIFICATION

Please change the title of the application to the following:

REFRIGERATION CASE CLIP ASSEMBLY

IN THE CLAIMS

1. (once amended) A refrigeration appliance cabinet comprising:
a bottom mullion, said bottom mullion comprising a first end and a second end,
said first end comprising a first channel and a second channel; and

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a casing, one of said bottom mullion and said casing comprising a retaining tongue and the other of said bottom mullion and said casing comprising an engagement surface for being received in said tongue.

2. (once amended) A refrigeration appliance cabinet in accordance with Claim 1 further comprising a bottom rail, said [bottom mullion comprising a channel for receiving said] bottom rail received in one of said first and second channels of said bottom mullion.

4. (once amended) A refrigeration appliance cabinet in accordance with Claim 3, [said bottom mullion further comprising a channel for receiving] wherein said liner is received in the other of said first and second channels of said bottom mullion.

5. (once amended) A refrigeration appliance cabinet in accordance with Claim 1, said casing comprising a bottom panel, said bottom panel comprising a retaining tongue, said bottom mullion second end comprising an extended flat portion for press fit engagement with said tongue.

6. (once amended) A refrigerator cabinet comprising:

a bottom mullion, said bottom mullion comprising a first end and a second end, said first end comprising a first channel and a second channel; and

a casing in press fit engagement with said bottom mullion.

7. (once amended) A refrigerator cabinet in accordance with Claim 6 wherein said casing comprises an outer surface and a fastening projection extending from said outer surface.

8. (once amended) A refrigerator cabinet in accordance with Claim 7 wherein said bottom mullion second end comprises an engagement surface, said fastening projection engaging said engagement surface.

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11. (once amended) A refrigerator cabinet comprising:

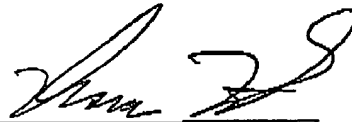
a casing;

an inner liner within said casing, said inner liner comprising at least one refrigeration compartment; and

a bottom mullion, said bottom mullion comprising opposing side surfaces at a first end thereof, said bottom mullion configured to receive a portion of said inner liner, said casing configured to receive a portion of said bottom mullion with press fit engagement.

13. (once amended) A refrigerator in accordance with Claim [11] 12, [said bottom mullion comprising opposing side surfaces,] one of said side surfaces comprising a channel for receiving said lower rail, the other of said side surfaces comprising a channel for receiving said inner liner.

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